

WETLANDS BOARD

MINUTES

MAY 10, 1995

A. ROLL CALL ABSENT

Mr. Gussman	Mr. Hughes
Mr. Jones	
Mr. Lindsey	
Mr. Waltrip	

OTHERS PRESENT

Jacqueline White, Zoning Officer
Jay Lipscomb, VMRC

B. MINUTES

Minutes of April 12, 1995 were approved.

C. OLD BUSINESS

None.

D. NEW BUSINESS

ZA-6-95; Greater First Colony Area Civic Association c/o Sandy Loving

Jacqueline White presented the staff report stating that Mr. Sandy Loving, on behalf of Greater First Colony Area Civic Association, has applied for a wetlands permit to extend an existing groin by 60 linear feet and to construct 60 linear feet of rip rap revetment at 94 Shellbank Drive in the First Colony subdivision. The property is further identified as parcel (4-1) found on James City County Real Estate Tax Map (45-3). The property in question consists of a moderately eroding shoreline and embayment along the James River. Representatives from the Code Compliance office visited on April 22, 1995. The groin extension is beyond mean low water and is exempt from this permit. It is estimated that approximately 240 square feet of tidal area (Type XIV, Sand Flat Community) will be impacted by this request. Several cypress trees and pine trees line the inland area where the rip rap revetment is to be placed. The trees in this location are being undercut as the wave action erodes the shoreline. Locating the rip rap revetment effectively may require the removal of some trees. It is staff's recommendation that a wetlands permit be issued with the following conditions:

1. The toe of the filter cloth shall be buried no less than 1 foot.

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2. An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
3. The rip rap shall have a 2 to 1 slope.
4. No re-enforcing bars shall protrude from the concrete.
5. This permit shall expire on May 10, 1996.

Mr. Gussman questioned the Health Department variance request.

Mrs. White informed the board that the groin was outside of jurisdictional wetlands and did not need to be considered by the board.

Mr. Jay Lipscomb said that the Health Department issue had been resolved.

Mr. Lindsey opened the public hearing.

No one representing First Colony was present.

Mr. Lindsey closed the public hearing.

Mr. Gussman moved to grant the wetlands permit with staff's recommendations.

The motion carried unanimously.

W-7-95; Bryant E. Marks

Jacqueline White presented the staff report stating that Bryant E. Marks has applied for a wetlands permit to construct 197 linear feet of tongue and groove bulkhead at 6020 Tabiatha Lane in the Chickahominy Haven subdivision. The property is further identified as parcel (6-21) found on James City County Real Estate Tax Map (19-1). The property in question consists of a man made canal, a tributary to the Chickahominy River. Representatives from Code Compliance visited on April 5, 1995. It is estimated that approximately 394 linear feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this request. Moderate erosion is evident, primarily from boat traffic. The adjacent property to the north has an existing bulkhead. It is staff recommendation that a wetlands permit be issued for this application with the following conditions:

1. The bulkhead shall tie into the existing bulkhead and return wall and the bulkhead shall be constructed as close to the toe of the bank as possible.
2. A building permit shall be obtained for the bulkhead and the Code Compliance office shall inspect the alignment prior to commencing work.

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3. An inspection of the filter cloth, tiebacks and bulkhead be conducted and approved by the Code Compliance Office prior to backfilling.
4. This permit shall expire May 10, 1996.

Mr. Lindsey opened the public hearing.

Mr. Bryant E. Marks spoke on behalf of his application. He said that presently there is a broken drainage pipe which exists and precludes him from tying into the adjacent bulkhead. He has approached the state as well as the local jurisdiction about repairing the pipe. It was found that the pipe was put in by the original developer of the property and that the state or locality has no jurisdiction over the damaged pipe. He said that he would like to try and repair the pipe, but if he was unable to do so, he would like to tie back into the bank and rip rap to the other bulk head.

Mr. Lindsey closed the public hearing.

Mr. Gussman asked if the board could approve his second alternative without drawings.

Jacqueline White said yes.

A motion was made to approve with changing condition number one to delete tie into the adjacent bulkhead and adding condition number five to state: Due to an existing, failing drainage pipe, the bulkhead shall either tie into the adjacent bulkhead and return wall or have a return wall with adjacent rip rap around the failing drainage pipe. If rip rap is used, drawings must be submitted to and approved by the Code Compliance Office prior to construction; filter cloth shall be used and the toe must be buried no less than 1 foot; rip rap is to have a 2 to 1 slope.

The motion was approved unanimously.

ZA-8-95; John and Mary Cox

Jacqueline White presented the staff report stating that John and Mary Cox have applied for a wetlands permit to construct 285 linear feet of rip rap revetment at 205 and 209 Sherwood Forest Drive in the Riverview Plantation subdivision. The properties are further identified as parcels (2-7) and (2-6) found on James City County Real Estate Tax Map (17-3). The properties in question consist of an extensive fringe marsh along the western edge of the York River. The property owners desire to limit and control the erosion along property. Representatives from Code Compliance visited on April 7, 1995. It is estimated that approximately 1710 square feet of tidal area (Type XV) will be impacted by this request. It is staff's recommendation that a wetlands permit be issued for this application with the following conditions:

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1. The rip rap overtopping apron shall be no more than 1 foot to reduce the loss of vegetated wetlands, and the height of the revetment shall not exceed mean high water.
2. The toe of the rip rap shall be buried no less than 1 foot.
3. The project shall be accessed by water or by a single access with mats to be used to lessen the impacts to the marsh during construction. The mats shall be removed upon completion of construction and the vegetation sprigged to restore it to its original state. In no case shall equipment or personnel traverse across sections of the marsh but must work from the mat or rip rap revetment.
4. An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
5. This permit shall expire on May 10, 1996.

Mr. Lindsey opened the public hearing.

Alor Grantham-Traywick, Agent for the Salt and The Earth Wetlands Nursery spoke on behalf of the application.

Mr. Lindsey closed the public hearing.

Mr. Gussman motioned to approve the application with staff's recommendations.

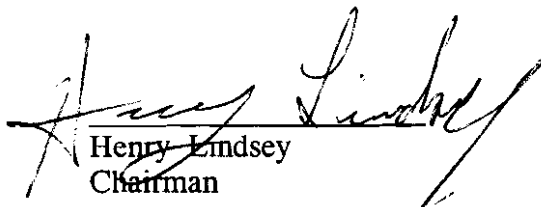
The motion was passed unanimously.

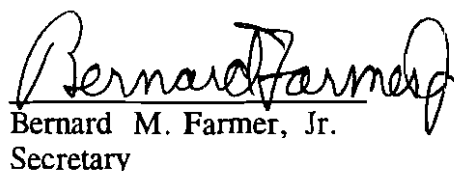
E. MATTERS OF SPECIAL PRIVILEGE

Mrs. White provided to the board an update on the Ware Case.

F. ADJOURNMENT

The meeting was adjourned at 7:50 P.M.


Henry Lindsey
Chairman


Bernard M. Farmer, Jr.
Secretary